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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,085	05/24/2000	Richard Palmeri	1008-00	4564

35811 7590 08/27/2003

IP DEPARTMENT OF PIPER RUDNICK LLP
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PHILADELPHIA, PA 19103

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,085

Applicant(s)

PALMERI, RICHARD

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has discovered new prior art. The Examiner is therefore obliged to apply the newly found prior art. Thus, the finality of the prior Office action is withdrawn, and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 1-29 remain pending in the application.
2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrameda et al.

As per claims 1-2, Barrameda et al disclose a method for multi-directional consumer purchasing, selling and transaction management. The system comprises maintaining at least one user account and at least one vendor account. (See figure 2); initiating a transaction for a transaction amount (column 8, line 56 to column 9, line 16); electronically distributing at least a

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portion of reallocated from the transaction amount for the user account to the vendor account using at least one electronic system and electronically distributing at least a portion reallocated from the transaction amount from the vendor account to the user a bank account using an electronic system (column 9, line 33 to column 10, line 11 of Barrameda et al.). The only difference between the claimed invention and the system of Barrameda et al is that Barrameda et al do not explicitly recite a trust account. Instead, Barrameda et al makes use of a bank. It is well known that banks usually hold trust accounts for their customers. Providing a trust account in the bank being used in the system of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to use a separate account for the holding/transferring of funds which may be used for a specific purpose so as to prevent tampering or intermingled with funds to be used for specific transactions.

As per claim 3, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles are second accounts of the customers or vendors in which profits may be deposited thereto.

As per claim 4, Barrameda et al teach that any types of accounts can be used in their system. See column 6, lines 60 to column 7, line 9.

As per claim 5, note the discussion above in respect to claim 1 regarding the claimed trust account. Means for providing an interaction between the trust account/bank regarding portion of a transaction amount being placed in an investment vehicle is taught on column 19, line 64 to column 10, line 13 and figures 1 and 3 of Barrameda et al.

As per claim 6, note column 5, lines 54-60.

As per claim 7, Barrameda et al do not explicitly teach means of a kiosk. Kiosks with means of accepting electronic cards are well known in the art. Providing a kiosk in the system of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to facilitate financial transactions to remote users and to users who can independently process electronically financial transactions without help of a sales clerk.

Claims 8 and 11 are system claims directing to computer components for performing the claimed functions recited in independent claim 1 above. These components would have been obvious to the skilled artisan when viewing the teachings of Barrameda et al where it is disclosed various computer systems and subsystems.

As per claims 9 and 10, having a user account manager and a vendor account manager in the system of Barrameda et al would have been obvious to the skilled artisan in order to facilitate the functioning of the overall system (such as accounts updates and transferring of funds to/from accounts) in a well organized manner.

As per claim 12, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles are second accounts of the customers or vendors in which profits may be deposited thereto.

As per claim 13, Barrameda et al teach that any types of accounts can be used in their system. See column 6, lines 60 to column 7, line 9.

As per claim 14, note figure 5 of Barrameda et al.

As per claim 15, note column 5, lines 54-60.

As per claim 16, Barrameda et al do not explicitly teach means of a kiosk. Kiosks with means of accepting electronic cards are well known in the art. Providing a kiosk in the system

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of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to facilitate financial transactions to remote users and to users who can independently process electronically financial transactions without help of a sales clerk.

As per claim 17, when the vendor transfers funds to user account, this fund or portion of this fund may be transferred to the investment's vehicle. Note the teachings above with respect to claim 1 above and columns 8 and 9 and figures 1 and 4 of Barrameda et al.

Claims 18-22 contain features recited in respective claims 3-7 and these claims are rejected under a similar rationale.

As per claim 23, see the rejection regarding claim 1 above.

As per claim 24, note the rejection of claim 9 above.

As per claims 25-99, note the rejection of respective claims 12-16 above.

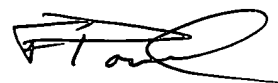
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
August 19, 2003


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628